

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CR-169-D

UNITED STATES OF AMERICA,

v.

JENNIFER RENEE TALBERT,

Defendant.

ORDER

On June 10, 2024, Jennifer Renee Talbert (“Talbert” or “defendant”) moved to extend time to file a motion under 28 U.S.C. § 2255 and for appointment of counsel. See [D.E. 87]. The motion is granted in part and denied in part. If Talbert wishes to file a motion under 28 U.S.C. § 2255, the motion shall be filed with the court not later than September 9, 2024. In granting this motion, the court is not stating that any section 2255 will be considered timely. Talbert’s judgment is final, and Talbert is not entitled by right or this court’s exercise of discretion to the appointment of counsel in this post-conviction proceeding. See, e.g., Martel v. Clair, 565 U.S. 648, 658–64 (2012); Ross v. Moffitt, 417 U.S. 600, 610–18 (1974); Whisenant v. Yaum, 739 F.2d 160, 163 (4th Cir. 1984), abrogated in part on other grounds by Mallard v. U.S. Dist. Court, 490 U.S. 296 (1989); Cook v. Bounds, 518 F.2d 779, 780 (4th Cir. 1975).

In sum, defendant’s motion [D.E. 87] is GRANTED in part and DENIED in part. The court GRANTS defendant’s extension of time to file a motion under 28 U.S.C. § 2255. Defendant shall have until September 9, 2024, to file a motion under 28 U.S.C. § 2255 with the court. Defendant’s motion for appointment of counsel is DENIED.

SO ORDERED. This 6 day of August, 2024.


JAMES C. DEVER III
United States District Judge